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HASTINGS LAW NEWS

Volume 20, Number 8

Hastings College of the Law

San Francisco, California

May 10, 1987



Board Member Kneeland Lobner (center) reads statement on Board's actions against Prunty as Professors Thurman and Van Kessel look on during Friday's Board meeting.

Charges Against Dean Referred to District Attorney by Board

By CHRIS PALERMO
Managing Editor

At a special meeting last Friday, the Board of Directors voted to refer charges against Dean Bert Prunty to the San Francisco District Attorney's Office. The charges relate to the alleged misappropriation of approximately \$220,000 of school funds during Prunty's seven-year tenure as Dean.

The Board's Special Counsel, retired appellate court justice Robert Kane, outlined the charges against

Prunty at the meeting. Kane said that, in his opinion, the allegations amounted to probable cause that California Penal Code sections 424 and 426 had been violated by the Dean. Sections 424 and 426 apply to the misuse of public funds by state officials.

The Board voted 6 to 0 to refer the charges to the District Attorney. Four members of the Board who voted against the suspension of the Dean at a previous meeting were absent.

Kane's report covered a wide variety of transactions, most of which had already been reported in the press. Some of the transactions cited by Kane as "troubling" involved contributions to the Dean's discretionary fund rather than expenditures from the fund. Kane said that \$39,000 designated for scholarships to foreign students ended up in the Dean's account. Kane also said that Prunty also deposited \$25,000 in the account from Harcourt Brace

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Board Declines To Act On Governance Proposal

By DAVID DANIELS
Editor-in-Chief

At Friday's special meeting, the Board declined to adopt a faculty proposal that would return control of college governance to the office of the Dean.

Although the special meeting of the Board was called in response to the demand of the faculty, the Board devoted most of its time to the discussion of allegations against Dean Bert S. Prunty. When the time came to discuss the faculty proposal, Board members voted to postpone decision on the matter until their next meeting, scheduled for some time in June.

Meanwhile, Board Chairman Harold S. Dobbs—together with Board Member Ralph Abascal, who participated in the meeting by telephone—promised to work out any problems with the faculty that might arise.

Before arriving at this decision, the Board listened to complaints by members of the faculty Executive Committee concerning the recent changes in college management carried out by consultant Robert Kerley.

Board members defended their failure to consult with the faculty over the hiring of Kerley and the changes which he subsequently

made in the governance structure, by citing the "emergency" created by the allegations against Dean Prunty.

"We have been barely able to keep up with matters presented to us on an emergency basis," Board Member James Mahoney told the faculty members present at the meeting. Professor Samuel Thurman, Chairman of the Faculty Executive Committee, responded by saying that no matter what the emergency, the Board "should have consulted with the faculty."

Referring to the chart labelled "Alternative X," which outlines the current management structure under Kerley, Thurman said that such a structure was "totally unacceptable to the faculty." Thurman, who has served as Dean of Stanford Law School and as a high-ranking officer of all three law school accrediting organizations, also told the Board that the permanent adoption of Kerley's plan would result in the loss of Hastings' accreditation.

In other matters, the Board voted to empower Chairman Dobbs to seek a loan, using the West Block properties as collateral, for the repayment of scholarship funds misused by the Board in the 1970's. Dobbs also stated his intention to

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New Academic Dean Wants More Seminars, Fewer Students

By DAVID DANIELS
Editor-in-Chief

In an interview with the *Law News* recently, Academic Dean-elect Dan Lathrope emphasized the need for more seminars and a lower student-faculty ratio. Lathrope told the *Law News* that "the principle deficiency in the curriculum at present is the lack of seminars;" and, although two new seminars have been added to the class schedule for next fall, still more will be developed in the near future.

As far as the student-faculty ratio is concerned, Lathrope seemed pleased that next year's entering class would consist of 100 fewer students than last year's, but would be divided into the same number of sections. In addition, Lathrope stated that he intended to "investigate the possibility" of providing first-year students with at least one class of only 25 to 30 students.

Lathrope, who served this year as Associate Academic Dean, said that he perceives the role of the Dean to

involve implementing academic policy, facilitating ideas of student/faculty committees and overseeing the quality of instruction.

When asked whether, in light of recent allegations against Professor Kaplan, faculty members should be required to conform to a specific minimum grading policy, Lathrope said that he thought such a policy "might interfere with academic freedom." Lathrope asserted that the faculty as a whole was "very conscientious" about grading exams, but that grading procedures were "highly individual," and probably could not be standardized. Lathrope did say that he was "willing to look at a proposal" for a requirement that professors file a description of their grading system with the Academic Dean's office.

Lathrope was critical of a proposal of the Curriculum Committee to add a writing seminar as a requirement for second or third-year students in addition to moot court or journal participation. According to

Lathrope, such a requirement would have an adverse effect on the availability of electives. Lathrope tentatively prefers an optional writing seminar, as opposed to a requirement, to allow second and third-year students maximum flexibility.

Lathrope, who will teach a course in taxation of corporations and partnerships next year, looks forward to the development of an LL.M. program in taxation at Hastings. Although such a program is slated for implementation as early as the fall semester of 1989, Lathrope believes it is more likely that the program will not get off the ground until fall of 1990.

Dean Lathrope received his J.D. from Northwestern in 1977, an LL.M. in taxation from New York University in 1979 and joined the Hastings faculty in 1980. The choice of Lathrope for the position of Academic Dean was ratified unanimously by both the faculty and the Board of Directors.

Students Choose Leaders for 1987-88 Year

By MCGREGOR SCOTT
Staff Reporter

With the coming of spring, baseball season begins, the Masters golf tournament is played, and new officers are elected to student government positions. Hastings is no exception to this annual event. In the last few weeks, a new editor-in-chief of the Law News and new ASH officers were elected.

By a unanimous vote of ASH on March 23, Chris Palermo, a first-year, was selected to be editor-in-chief of the Law News for next year. He will attempt to fill the considerable vacancy created by the graduation of that self-appointed guardian of American conservatism, David Daniels.

Palermo is originally from Los Altos, and is a 1986 graduate of Loyola Marymount University, where he majored in Communications. While at Loyola, Palermo served as editor-in-chief of the Los Angeles Loyolan newspaper. He worked this year as managing editor of the Law News.



First-year student Chris Palermo will edit the Law News next year.

In a recent interview with the Law News, Palermo outlined his plans for next year's edition of the paper. In the works is a complete redesign of the paper. Palermo hopes to purchase desktop publishing equipment, which would greatly decrease the printing costs of the Law News. The possibility of going to a twice monthly publication schedule is also being considered. Palermo hopes to make the paper more accessible to student groups and others through decreased advertising costs. He also indicated that he is looking into the possibility of having the Law News sent to alumni through the alumni office.

In a move sure to create sheer

gloom throughout the Hastings community, Palermo declared that he will not take on the departing Daniels' monthly liberal-bashing column. He indicated that he intends to work more behind the scenes in making the Law News a continued success. Palermo did thank Daniels for leaving a solid foundation for the paper, particularly in the news and features sections.

Palermo also announced that Ted Laufer, a second year, will be the managing editor for next year. The new editor-in-chief is still looking for a copy editor as well as new section editors and opinion column writers. Anyone interested in any of these positions can leave a note in Palermo's SIC file or stop by the Law News office.

The annual ASH elections were held April 9 and 10. In the Presidential election, Ellen Schned captured the office with 210 votes, followed by: Holli Thier, 102 votes; Joy Warren, 81 votes; and Craig Bloom, 68 votes. The new Vice-President will be Irene Bueno, who won 279 votes against Julianne Sylva's 156. Leora Goren was unopposed for the position of Treasurer, as was Frank Watson for Director of Arts & Recreation. The race for Secretary provided the only real excitement, where two write-in candidates, Bill 'Prairie Dog' Freeman and Susan Burns, were the contestants. Even though Freeman won the actual vote 97 to 63, he was declared disqualified for placing campaign posters in illegal spots. Thus Burns will be the new Secretary.

The new President, Ellen Schned, is a 1984 graduate of UCLA, where she majored in Political Science. Her hometown is Simi Valley. Schned served as a second year ASH representative this year, working on the Finance Committee. In a recent interview of all the officers with the Law News, she laid out her goals for next year. Schned's primary goal is to improve relations between ASH, the student body, the faculty, and the Administration. To do this, she intends to establish liaisons between the groups at various levels within ASH and the Administration. She would also like to create more participation by students in a variety of events. Schned will also push for more health benefits for students, as well as attempting to put faculty eval-



ASH officers ready for next year include (left to right) Vice President Irene Bueno, President Ellen Schned, Secretary Mary Burns, and Treasurer Leora Goren.

uations by students to more use in the hiring and tenure process. The reported misallocation of Trust Fund moneys to acquire real estate will be followed. Schned indicated that she hopes to have the final answers to that problem by next fall. Finally, Schned hopes to be able to improve ASH's reputation among the student body. It is necessary for more participation by students to take place. "After all, the money we allocate is the students', and we are simply the caretakers," she said.

Irene Bueno, the new Vice-President, is a 1985 graduate of UC Berkeley, where she majored in Political Science. She is from San Jose. Bueno was a second year representative this year, serving on the Arts & Recreation and Law News Editor Selection committees. In listing her objectives for next year, Bueno indicated that she hopes to put together a cultural day, with participation from different campus groups. Along these same lines, she said that she wants to

see the campus groups work better together instead of simply fighting over the money that ASH allocates. An improved women's sports program will also be high on Bueno's list for next year. Like Schned, she wants to work to improve ASH's reputation among the student body, hoping to eliminate many of the stereotypes that exist regarding the student government body.

The new Treasurer will be Leora Goren, a 1985 graduate of UC Berkeley, where she majored in Sociology. She is from Los Angeles. Goren was a first year section representative this year for the infamous section 2. Goren indicated that she has one primary goal for next year: restructuring the budget allocation system to create a line item request method. Currently, groups simply request a lump sum amount without having to substantiate what the money is to go to. Goren thinks that her proposed new method will create more realistic student organization budgets and

greater accountability as to where ASH money goes.

Susan Burns, the new Secretary, is a 1984 graduate of UC Davis, where she majored in International Relations and minored in Russian. Her hometown is Modesto. Burns indicated that her primary job for next year will be to increase information available to students about ASH. She hopes to generate a newsletter about ASH meetings. As part of her job as Secretary, Burns will act as Parliamentarian for ASH.

Frank Watson will serve as Director of Arts & Recreation for next year. Watson is a 1986 graduate of UC Davis, where he majored in Economics. He is from Redding. Watson served as a first year section representative this year, also for the infamous section 2. Watson's main goal for next year will be the implementation of the soon-to-be-refurbished gym in the basement of McAllister Tower into both the sports and entertainment programs. He wants to set up a basketball program and to use the gym for dances. In his position as Arts & Recreation Director, Watson wants to increase the level of camaraderie among the students at Hastings.

"Hastings tends to be too much of a training school, where all people do is study," he said. Watson wants to use his position to bring out the other aspects of school in addition to academics. He believes that this will create a more enjoyable three year experience for most students, and in turn will lead to a stronger alumni organization. ■

From the Dean

by Dean Bert Prunty

It has certainly been a year to remember!

I would like to put aside the current rash of problems to say a few words about the stated purpose of this College - legal education.

Hastings College of the Law is an academy founded for the formal training of lawyers. It is this academy, the combination of Hastings faculty, students and staff, that has made Hastings one of the top law schools in the country. And it is this academy that needs to be preserved and improved. That is the future of Hastings.

As you know, this May 24th close to 450 newly-minted Hastings lawyers will receive their juris doctorates. It is to these students, the Class of 1987, that I would like to address these remarks.

Over the past three years I have seen many encouraging changes here at Hastings. I've seen a new vitality in all of the journals, new enthusiasm for student government and student organizations and strong academic interests. Every class is special and has its own characteristics and characters although a number of faculty members have told

me that they are going to miss the Class of 87 as it represented an extraordinary combination of personalities and talents. Your class has been described to me as everything from "an oddly fascinating group" to "an extremely promising combination of lawyers." I am convinced that these groups are not mutually exclusive.

The members of the third year class that I have had contact with this year have all been sincere in their desire to see Hastings grow and improve. I'd like to take this opportunity to thank few individuals for their service to the College. The Third Year Council, Greg Rovinger, Mike Pappas, Mona Hanna, Kevin Taylor and 3rd year president Ellen Bell, has done an extraordinary job. I'd also like to thank ASH President Steve Elie and Law News Editor David Daniels for their sincere interest in the well being of Hastings. Additionally, Sandy Weiner deserves thanks and recognition for all of the excellent work she has done in initiating and maintaining the General Assistance Advocacy Project. These individuals, and I stress

individuals, are only eight members of a class that I have seen make great strides here.

To the entire class of 87, I offer my congratulations and sincere wishes of good luck.

To the Classes of 88 and 89, I will see you in the Fall.

RESPONSE TO TRASH SHEET

In a law school dedicated to producing lawyers of great skill and high ethical standards the distribution of an anonymous document attributed by a never before heard of "Coalition of Students" is indeed disturbing. It is a shocking form of character abuse best described as "McCarthyism." The document is grossly inaccurate, false in its implications, and mean-spirited. The vile effort to revive ugly rumor, in obvious disdain of the anguish such malicious gossip causes to the families, is the most disreputable form of conduct. I am confident the faculty and students will reject this form of diatribe and continue to commit themselves to teaching law students and lawyers who understand the meaning of fairness, objectivity, and good judgment.

ASH Notes

Meeting of 6 April

It was announced that, pursuant to a request from library officials, the letter drafted by Council Member Matthew Davis requesting that the Dean provide institutional support for the Learning Resources Center would be filed rather than sent. Before adjourning, the Council allocated \$25.00 to the National Lawyers Guild for expenses incurred by the Guild's "April Series on Law and Central America."

Meeting of 20 April

A request from the National Lawyers Guild for \$250.00 for air fare to send a representative to the Guild's national conference was the only item of business on the Council's agenda. The request was approved after some debate.

The Council also received a report from the Student Endowment Recovery Committee outlining a recent meeting between the members of the Committee and representatives of the Attorney General's office.

Professor McCall 2-0 Before Supreme Court

By CHARLES MELTON
News Editor

Professor James McCall has posted his second victory before the United States Supreme Court. This is yet another achievement in a very distinguished career. McCall graduated from Harvard Law School. He then spent seven years as a business

litigator and two years as a Deputy Attorney General of the State of California (bringing antitrust and consumer fraud prosecutions). In 1971 he joined the Hastings faculty.

The issue in *Atchison, Topeka & Santa Fe Railroad v. Buell* was whether a railroad employee may sue his employer under the Federal

Employers' Liability Act (FELA) for a personal injury negligently caused by conduct that may have been subject to arbitration under the Railway Labor Act (RLA). The Court unanimously said "yes." The ruling kept alive a lawsuit against Atchison, Topeka & Santa Fe Railroad by a California man who says

he suffered an emotional breakdown as the result of harassment by his supervisor and other railroad employees.

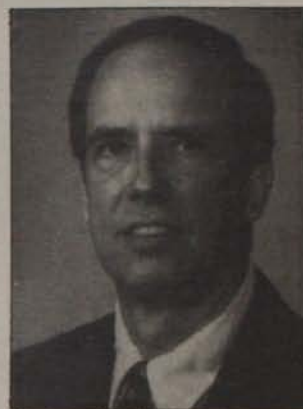
The Court's opinion, written by Justice Stevens, left unanswered whether a purely emotional injury is compensable under FELA.

"Without agreeing or disagreeing with the merits of the (Ninth Circuit's) discussion of the emotional injury issue, we affirm its judgment only to the extent that it rejects the RLA preclusion argument advanced by the railroad," Justice Stevens said.

Originally, the case was dismissed by the Federal District Court, finding that the complaint failed to state a cause of action. The Ninth Circuit appeal, handled by McCall, unanimously reversed during the Spring of 1985, ruling that a cause of action did exist. As a result, the railroad appealed and the Court granted Santa Fe's Petition for Certiorari during January of 1986.

McCall candidly admitted that he "wasn't surprised by the decision at all." Rather, he said that it was surprising "that they (the Court) took certiorari in the case. But since it was taken up, I was confident that we would win, and indeed it turned out 9-0."

As for a possible explanation for the grant of certiorari, McCall advanced the proposition that it was



Professor McCall

"important enough for the Ninth Circuit decision to be uniform everywhere." He pointed out that two earlier, unreported cases decided by the Court had "seemed to go against the Ninth Circuit."

McCall was thoroughly prepared for his oral argument before the Court. Two weeks prior to it, a "number of people in the faculty... helped me by having a moot court argument in which I went through a dress rehearsal," said McCall. "It was very helpful."

He flew in a few days early in order to shrug off the effects of "jet lag", to see the courtroom again, and to prepare in general. McCall pointed out that he was "not afraid of losing his ability to handle

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Diamond, Weiner and Knowles to Speak at Commencement

By LISA FELDMAN
Staff Reporter

Sandra Weiner has been chosen by the Third Year Class to be its commencement speaker. Professor John Diamond was selected by the students as faculty speaker. Weiner and Diamond were picked by graduating students in runoff elections held last month, with Weiner edging out Michael Kanellos, and Diamond winning over Professor Scott Sundby. Jeffrey Knowles, valedictorian of the Class of 1987, will also speak at the ceremony.

Weiner, who expressed "shock" at being selected, has earned the respect of Hastings students and faculty for her work with the General Assistance Advocacy Project (GAAP). GAAP, which was created by Weiner in her second year at Hastings, provides representation and counseling to people applying for or already

receiving state financial assistance. GAAP has a budget of \$20,000 and is staffed by 65 Hastings student volunteers and one paid part-time worker. GAAP's student volunteers often appear at "predetermination hearings" to represent clients who have been denied benefits. According to Weiner, GAAP has maintained a 70-75% reversal rate in those cases.

Recently, Weiner received a \$20,000 grant from the Berkeley Law Foundation to fund a post-graduation project she will call Greater Avenues for Independence (GAIN).

"GAIN will be modeled after GAAP, but will concentrate on empowering the clients so that they may get actively involved in asserting their rights. The goal will be to get them off the rolls," explained Weiner.

Professor Brian Gray, a member

of the Berkeley Law Foundation's Board of Directors, listed Weiner's work with GAAP as a large factor in awarding the grant.

"What Sandy has done on her own, with no financial assistance at all, is the most impressive thing I have ever seen a law student do. I really mean that," praised Professor Gray.

When asked on what topic she would speak, Weiner said she was still unsure, but that her speech would focus on the fact that "there are really other options and alternatives available for legal careers; people don't need to follow the treaded path."

Diamond to represent faculty

"I am incredibly flattered. There is honestly no invitation that would mean more to me," bubbled Diamond when asked his reaction to

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College Drops to 19th in Nation

Hastings Ratings Slip in Gourman Report

By CHARLES MELTON
News Editor

Hastings is currently ranked 19th among 175 ABA-accredited law schools and has consistently ranked in the upper 15th percentile since 1976 according to the third edition of The Gourman Report, published in 1985. The next edition is to be released this coming May.

The interest of today's public in quality education and the desire for an authoritative and independent evaluation, such as it provides, has brought attention to The Gourman Report from publications as diverse as The Congressional Record, Forbes, USA Today, and even Playboy magazine. Its findings are regularly referenced in learned journals. The report's author, Dr. Jack Gourman, observed that the rating is widely used for recruiting by many of the nation's large law firms. He continued by saying that he gives "Hastings a high recommendation to any law firm that contacts" him.

The report's method is not based on a "popularity contest" or an "opinion poll." Rather, a set of objective criteria is used to evaluate the various law schools. The following criteria are taken into consideration:

1. Auspices, Control and Organization of the Institution;
2. Educational Programs Offered and Degrees Conferred;
3. Age (Experience Level) of the Institution;

4. Faculty, Including Qualifications, Experience, Intellectual Interests, Attainments, and Professional Productivity (Including Research);

5. Students, Including Quality of Scholastic Work and Records of Graduates Both in Graduate Study and in Practice;

6. Basis of and Requirements for Admission of Students;

7. Number of Students Enrolled;

8. Curriculum and Curricular Content of the Program;

9. Standards and Quality of Instruction (Including Teaching Loads);

10. Quality of Administration, Including Attitudes and Policy Toward Teaching, Research and Scholarly Production;

11. Quality and Availability of Such Things as Counseling and Career Placement Services;

12. Quality of the Physical Plant;

13. Finances, Including Budgets, Investments, Expenditures, and Sources of Income; and,

14. Library, Including Number of Volumes, Appropriateness of Materials, and Accessibility of Materials.

Gourman stresses the importance of the faculty element. "It is a truism that an institution is only as good as its faculty."

The importance of "ranking," in terms of its practical effects, cannot be underestimated. "Ranking," as an element of that elusive commodity "prestige," affects the ability of a

school to lure employers on campus, to hire talented members for the faculty, to effect the marketability of its students and alumni, and to create a demand for the institution among potential and exceptional applicants.

What follows is a set of various rankings of both foreign and domestic law schools made possible by information within the 1976, 1982, and 1985 versions of The Gourman Report.

The ranking of the top 15 law schools in the United States has changed very little over the last 11 years. The changes, where they have occurred, have taken place in the lower half of the ranking. ■

The Top Fifteen United States Law Schools

| Rank | 1976 | 1982 | 1985 |
|------|----------------------|----------------------|----------------------|
| 1 | Harvard | Harvard | Harvard |
| 2 | Michigan (Ann Arbor) | Michigan (Ann Arbor) | Michigan (Ann Arbor) |
| 3 | Yale | Yale | Yale |
| 4 | Chicago | Chicago | Chicago |
| 5 | U.C., Berkeley | U.C., Berkeley | U.C., Berkeley |
| 6 | Stanford | Stanford | Stanford |
| 7 | Columbia | Columbia | Columbia |
| 8 | Cornell | Pennsylvania | Pennsylvania |
| 9 | Duke | Duke | Duke |
| 10 | Pennsylvania | Cornell | Cornell |
| 11 | U.C., Los Angeles | N.Y.U. | N.Y.U. |
| 12 | Northwestern | Northwestern | Texas (Austin) |
| 13 | N.Y.U. | U.C., Los Angeles | U.C., Los Angeles |
| 14 | Vanderbilt | Vanderbilt | Northwestern |
| 15 | Boston | Boston | Virginia |

The Top Fifteen Foreign Law Schools

| Rank | 1976 | 1982 | 1985 |
|------|--------------------|--------------------|--------------------|
| 1 | Paris | Paris | Paris |
| 2 | Oxford | Oxford | Oxford |
| 3 | Cambridge | Cambridge | Cambridge |
| 4 | Moscow State | Moscow State | Moscow State |
| 5 | Heidelberg | Heidelberg | Heidelberg |
| 6 | Munich | Munich | Munich |
| 7 | Lyon I | Lyon I | Lyon I |
| 8 | Montpellier I | Montpellier I | Montpellier I |
| 9 | Leningrad State | Leningrad State | Leningrad State |
| 10 | Brussels | Brussels | Brussels |
| 11 | Göttingen | Göttingen | Göttingen |
| 12 | Erlangen-Nuremberg | Erlangen-Nuremberg | Erlangen-Nuremberg |
| 13 | Aix-Marseille II | Aix-Marseille II | Aix-Marseille II |
| 14 | Edinburgh | Edinburgh | Edinburgh |
| 15 | Bordeaux I | Bordeaux I | Bordeaux I |

The ranking of the top 15 foreign law schools is quite illuminating. Of particular interest is the presence of two Soviet law schools, Moscow and Leningrad State, on the list. One tends to overlook the fact that the Soviet educational system is, in some respects, commendable.

The Rankings and Scores of Select California Law Schools

| Law School | 1976 Ranking | 1976 Score | 1982 Ranking | 1982 Score | 1985 Ranking | 1985 Score |
|----------------|--------------|------------|--------------|------------|--------------|------------|
| U.C., Berkeley | 5 | 4.89 | 5 | 4.89 | 5 | 4.90 |
| Stanford | 6 | 4.86 | 6 | 4.87 | 6 | 4.88 |
| U.C.L.A. | 11 | 4.72 | 13 | 4.68 | 13 | 4.69 |
| U.C., Hastings | 18 | 4.47 | 18 | 4.45 | 19 | 4.48 |
| U.S.C. | 35 | 4.17 | 26 | 4.36 | 26 | 4.38 |
| U.C., Davis | 27 | 4.36 | 27 | 4.35 | 27 | 4.36 |
| Loyola (L.A.) | — | — | 36 | 4.18 | 36 | 4.23 |
| McGeorge | — | — | 39 | 4.09 | 37 | 4.20 |

A comparative ranking of the major law schools in California indicates that Hastings compares favorably and appears to be in a position to improve in the future.

General Quality of United States Law Schools

| Rating Categories (Numerical Range) | 1976 No. | 1976 % | 1982 No. | 1982 % | 1985 No. | 1985 % |
|--------------------------------------|----------|--------|----------|--------|----------|--------|
| Distinguished (4.6-5.0) | 14 | 9 | 14 | 8 | 16 | 9 |
| Strong (4.0-4.5) | 27 | 17 | 27 | 17 | 25 | 14 |
| Ground (3.6-3.9) | 29 | 18 | 29 | 17 | 29 | 17 |
| Acceptable Plus (3.0-3.5) | 50 | 31 | 51 | 30 | 37 | 21 |
| Adequate (2.5-2.9) | 40 | 25 | 51 | 30 | 67 | 38 |
| Total Number of Law Schools Surveyed | 160 | | 172 | | 175 | |

The general quality of law schools in the United States has decreased. The percentage of law schools which ranked as "adequate" has increased from 25 percent in 1976 to 38 percent in 1985. Hastings, on the other hand, has not been affected by this trend, nor have other quality law schools. It must be noted that Hastings has consistently ranked in the "strong" category.

The Top Fifteen Law Schools Internationally

| Rank | 1976 | 1982 | 1985 |
|------|----------------------|-----------------------------|-----------------------------|
| 1 | Paris | Paris/Harvard | Paris/Harvard |
| 2 | Harvard | — | — |
| 3 | Michigan (Ann Arbor) | Oxford/Michigan (Ann Arbor) | Oxford/Michigan (Ann Arbor) |
| 4 | Yale | — | — |
| 5 | Oxford | Cambridge | Cambridge/Yale |
| 6 | Chicago | Moscow State/Yale | — |
| 7 | U.C., Berkeley | — | Moscow State/Chicago |
| 8 | Cambridge | Heidelberg/Chicago | — |
| 9 | Stanford | — | Heidelberg/U.C., Berkeley |
| 10 | Columbia | Munich/U.C., Berkeley | — |
| 11 | Cornell | — | Munich/Stanford |
| 12 | Duke | Lyon I | — |
| 13 | Pennsylvania | Montpellier I/Stanford | Lyon I |
| 14 | U.C., Los Angeles | — | Montpellier I |
| 15 | Moscow State | Columbia | Leningrad State/Columbia |

Our final ranking table is a comparison of the United States and foreign law schools. It reveals a growing trend of foreign dominance. In 1976, United States institutions held 11 of the top 15 positions. In 1985, foreign law schools held 9 of the top 15 positions. Quite a reversal.

News Analysis

Syracuse Adopts Radical Legal Writing Alternative

By CHARLES MELTON
News Editor

In the February, 1987 edition of the Law News, a news story and editorial described the objective and subjective problems surrounding the Legal Writing and Research program as it presently exists. Recently, a very innovative solution to the problem was formulated and applied by Syracuse University. This year, rather than taking the standard legal writing and research course, students at Syracuse's College of Law were given the option of joining the "Law Firm".

The "Law Firm", as reported in the National Law Journal's April 6 issue, is an attempt to give students practical experience at the same time that substantive courses are being taught. Students conduct a hypothetical case from initial client interviews to final dispositions. 130 students, half of the first year class, signed on. The course proved to be so successful that the faculty has made it a requirement for the next crop of first-years.

The class is divided into 25-student groups, or "law firms", the senior partner being a professor. During the Fall Semester, the "law firm" focuses on a hypothetical case. The

"law firms," representing either the plaintiff or defendant, proceeded to conduct interviews with their client (played by third-years), to counsel the client on the best course of action, and to negotiate an out-of-court settlement. The clients ranged from insurance companies to individual property owners. Later, the members of the "law firms" prepared testimony for a mock legislative hearing. During the spring semester, the students wrote briefs, made oral arguments and authored opinions in another hypothetical case.

The close interaction of faculty and first-years, which included din-

ners and other social events common to real law firms, has had unintended results. The students are less intimidated by their professors and more willing to participate vocally in class. In addition, "Law Firm" allows students to put into practice their class readings, thereby providing a link between classroom theory and the practice of law.

The "Law Firm" course reminds one of a time when law schools were few and far between, when would-be lawyers learned the substance of law by reading the texts of Blackstone and Kent in a law office. They learned its processes—counseling, in-

terviewing, negotiation, planning, compromise, reconciliation, litigation—through first-hand participation. The adoption by Hastings of a similar course would go a long way in helping to alleviate the oft-cited problem of law schools neglecting to teach "lawyering skills."

In Brief

ABA/LSD News

At the 14th Circuit Spring Caucus on March 28, 1987, Hastings ABA/LSD representatives Prescilla Dugard and Christine Marciasini were awarded the ABA/LSD Silver Key Award, for outstanding service to the Law Student Division, and a National Membership Award. This is the first time the National Membership Award has been given to a 14th Circuit law school. The award was given because the ABA membership at Hastings increased from 10 per cent to 28 per cent of the student body, the largest increase nationally for law schools with over 1,000 students.

In other ABA/LSD news, Bill Line from University of the Pacific's McGeorge School of Law was elected 14th Circuit Governor. Also, next years representatives for Hastings will be Tom Wolfe, second-year representative, and Laurie Armstrong, third-year representative.

New Director of Career Services

Mr. Thomas Dart has become the new Director of the Office of Career Services. Dart has 18 years of experience in career planning and placement in institutions of higher learning. He is listed as a resource in the 1985 and 1986 editions of R.N. Bolles' book *What Color Is Your Parachute*.

Dart has worked with students of diverse ages and backgrounds. He has counseled individuals and groups, coordinated recruitment programs, taught career planning workshops, designed and utilized interactive computer software in the career services setting. He has also been very active in career planning and development organizations. He specializes in "How to Beat the Pavement" skill development.

Local Judge Named Vice President of Commonwealth Club

The Honorable Ira A. Brown, Jr. has been named Vice President of the Commonwealth Club of California for 1987. In 1984, he was unanimously elected president of the California Judges Association and led the state's nearly 1,600 judges during 1984-85.

Judge Brown serves as a judge of the Superior Court of the State of California in and for the City and County of San Francisco. Since his appointment to the Superior Court by then-Governor Reagan in 1970, he has been re-elected without opposition three times to six-year terms.

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EDITORIAL

DISTRICT ATTORNEY SHOULD INDICT DOBBS AND JAMISON

Last Friday's meeting of part of the Board of Directors, which resulted in the referral of evidence to the District Attorney, was a mockery of every principle of justice taught at Hastings. The extensive discussion of the allegations against the Dean and the controversy surrounding the reorganization of the College again provided an effective smokescreen to obscure the misappropriation of minority scholarship funds by Board Chairman Harold Dobbs and General Counsel Max Jamison.

After many weeks of purposeful innuendo and deliberate misstatement, Board Chairman Dobbs finally decided to present the allegations against Dean Prunty to the public. The meeting of the Board was scheduled for a date and time which Dobbs knew would result in the absence of at least two Board Members who support Prunty; a third, on business overseas, may not have even received actual notice of the meeting. The meeting had been demanded by the faculty for the purpose of discussing future governance of the College, but Dobbs rudely kept the faculty waiting over two hours before he allowed it to present its case.

The "evidence," or, more properly, the conclusion supposedly based on evidence against the Dean, was presented without even the remotest allusion to any explanation, rebuttal, or mitigation from the Dean. Board members spoke on cue from the chair; Kneeland Lobner even read his statement from a prepared script. "Facts" and figures were presented in torrents, and no distinction was drawn between seemingly valid expenditures and those which the Board found questionable, instead, all figures were added into the "total amount misappropriated" column. Dean Prunty's attorney labelled the meeting a "well-orchestrated sideshow." We call it a kangaroo court.

Even more outrageous than the predictably amateur and disgraceful conduct of the Board was the behavior of former court of appeals justice Robert F. Kane. An old friend of both Dobbs and Jamison, Kane is employed by the Board as Special Counsel; and, as incredible as it may seem, he actually characterized himself as a "neutral magistrate" in the controversy between the Board and Dean Prunty. Kane, by his own admission, has yet to fix a precise salary figure for his services. Magistrates who are paid by one of the parties in the dispute, particularly when they are only paid after the dispute is resolved, can scarcely be described as "neutral."

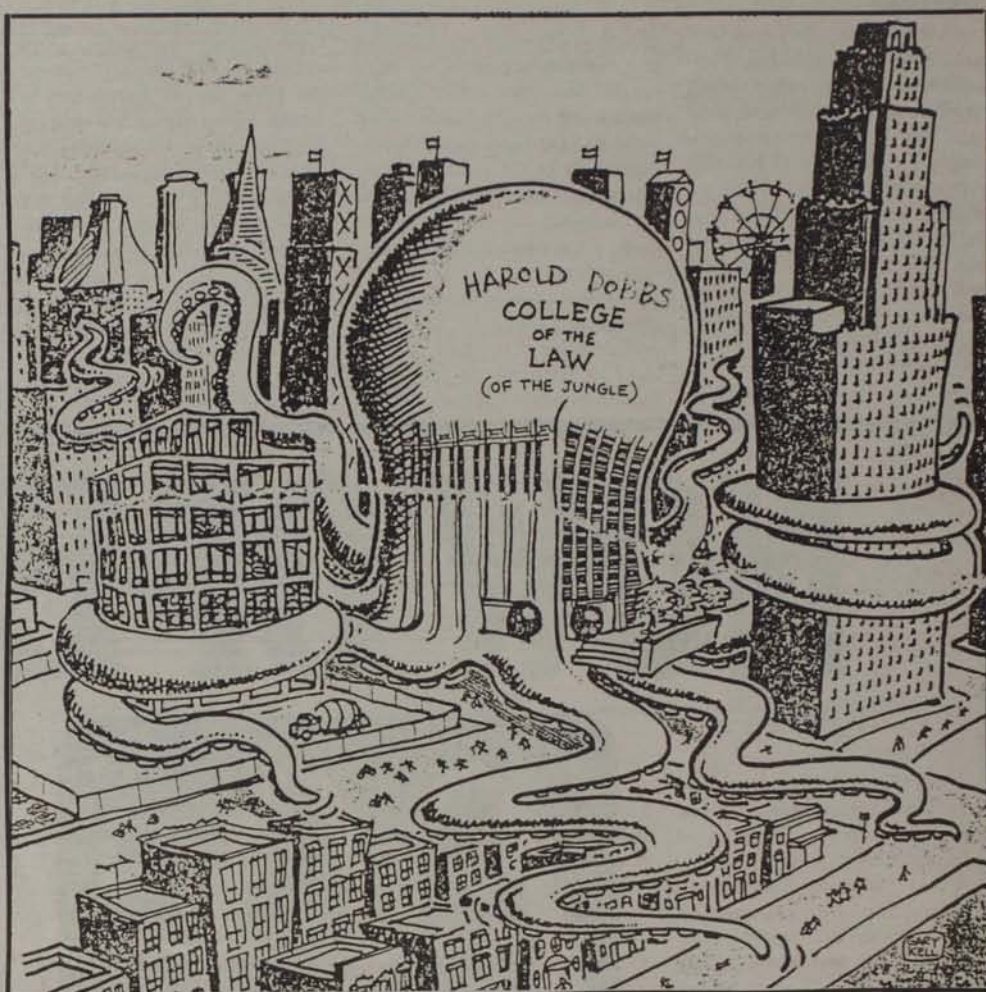
The allegations against the Dean involve the expenditure of approximately \$220,000 over a period of 7 years. This amounts to little more than \$30,000 per year out of a total annual budget of nearly \$17 million. The alleged improprieties of the Dean pale in comparison to the \$4 million owed to minority scholarship funds by Dobbs and Jamison. Until the Board musters enough integrity to refer Dobbs and Jamison to the District Attorney, any charges it makes against Dean Prunty must be met with derision and contempt by the entire Hastings community.

The attention of the faculty and the public was diverted from the investigation into Dobbs' and Jamison's misuse of scholarship funds by the failure of the Board to consult with faculty over the reorganization of the College. Board members apologized to the faculty last Friday and attributed their failure to ignorance and inexperience. Some of the members of the Board are new appointees and may well have acted in ignorance, but it would be absurd to imagine that Dobbs, who has served on the Board for over 20 years, was ignorant of the confusion, outrage and consequent diversion of attention that would result from the Board's action. Dobbs used the inexperienced members of the Board as pawns in a pernicious game of subterfuge played out against the Dean and the faculty.

No matter how improper the original acquisition may have been, the West Block properties now constitute a major asset of the College. These properties are held in trust for the benefit of Hastings and its students. But such is the overweening arrogance and manifest self-interest of Chairman Dobbs, that he has now declared himself willing, indeed eager, to sell these properties in order to repay the \$4 million owed to scholarship funds as quickly as possible.

This is no act of philanthropy by Dobbs and does not represent the slightest concern on his part for the interests of students. Dobbs simply hopes that the sooner the scholarship accounts are replenished, the sooner his name will fade from public view so he can return to exercising what he obviously regards as his right of private ownership College assets. He is not concerned with maintaining the health and well-being of the College, but only with maintaining the health and well-being of his own prestige and the bloated ego which feeds upon it, and the College, like a blood-gorged leech.

Hastings cannot move forward until it has shaken itself free from the parasites which cling to it and sap its strength. Dobbs may not be the last to be expunged, but his monstrous record of calumny and deceit make it necessary for him to be the first.



Penned From The Pig-Style

A NOT SO FOND FAREWELL

By DAVID DANIELS
Editor-in-Chief

It may have been supposed in some quarters that I would look upon my final column in the Law News as an opportunity to mend fences and ameliorate injuries. On the contrary, I look upon this column as a final opportunity to savage my opponents and alienate my few remaining friends; and, since this is the last issue of the Law News, I won't have to wade through the mindless and annoying letters that would otherwise doubtless be written in response.

Since the subject of Letters to the Editor has been raised, you may have noticed a scarcity in that department this month. In my last column I asked for an intellectual response to my proposals on capital punishment. I guess I should not be surprised to find the mail bag empty.

Since the subject of empty things (such as minds, promises and rhetoric) has been raised, my own little mind naturally turns to ASH (some say it did so years ago). Actually, despite my natural inclination to the contrary, I am forced to give grudging praise to this year's ASH Council.

Yes, I have criticized ASH in the past, and my criticisms were entirely warranted and ASH has often proved itself to be little more than a useless

collective of irresponsible self-congratulators. BUT, (and this, like Chairman Dobbs, is a big but) most of the problems with ASH stem from the inadequacy of its constitution and bylaws. The people involved in ASH this year were by far the best qualified and most dedicated in my three years at Hastings.

Since the subject of memory (or lack of it) has been raised, and having already alluded, albeit pejoratively, to Harold S. "Chairman of the Board" Dobbs, I am compelled to mention my belief that Mr. Dobbs and his crony Jamison have disgraced the good name of Hastings almost beyond repair. Of course, I would be remiss if I failed to mention that Mr. Dobbs feels the same way about me, and was good enough to tell me so. I suppose he finds me obnoxious. Actually, to borrow a phrase from Lord Birkenhead, we're both obnoxious, but I'm trying to be and he can't help it.

Since the subject of things which can't be helped has been raised, I suppose it is appropriate to discuss Jamison's performance as the school's General Counsel. It is easy, of course, to generate a few laughs by referring to Jamison's well-known propensity for nap-taking, but I doubt that former Dean Marvin Anderson is laughing over the \$61 million default judgment entered

against him as a result of such negligence. Jamison really should do his sleeping at home instead of on the job, and that should be easier now that he has bullied the management staff of the Tower into holding the apartment next to his vacant rather than renting it to the three otherwise qualified students who applied to live there. There goes another \$20,000 of the school's revenue down the drain. Perhaps the school should deduct the lost rent from Jamison's \$74,000 annual salary.

Lately, a few students have criticized me for being unfair. They say that I should not attack Dobbs and Jamison without also attacking Dean Prunty. Truth is evidently not a factor in the equation. These same students probably think we should imprison victims right along with the criminals—just to keep the criminal justice system "fair." Well, I wish that Dean Prunty were as much a blackguard as Chairman Dobbs, because then it would have been much easier to fill my column each month. The trouble with Dean Prunty is that he is an honest man, and honest men do not make for exciting reading.

Despite any indications in this column to the contrary, I am constrained to confess that I have enjoyed my three years here at Hastings and have particularly enjoyed

Continued on page 11

OPINION

"I, Too, Sing America"

By PAUL RUDYARD GUESS
Guest Columnist

*I, too sing America
I, too sing America
I am the darker brother.
They send me to eat in the Kitchen
When company comes,
But I laugh,
And eat well,
And grow strong.*

*Tomorrow,
I'll be at the table
when company comes,
nobody'll dare
Say to me,
"Eat in the Kitchen,"
Then.*

*Besides,
They'll see how beautiful I am
and be ashamed
I too am America.*

A young Langston Hughes wrote *I, too sing America*. I am certain in subsequent years Hughes doubted, as I have doubted, wavering between optimism and cynicism, that his distinct American voice would be listened to in America. I wonder, even after minorities have integrated in great numbers, whether white-speak, a voice conveying a particular culture, will be the only voice?

The civil rights movement was a movement to physically integrate people. It always entailed violence in

some form or another. Violence kicked in the doors to greater opportunity.

The threat of new violence keeps many doors cracked open, but cracks are not enough. Racism still stagnates the lives of too many minorities.

The racism of today dresses less in white robes and hoods. It takes a new sartorial flair; it dresses itself in arguments of who's qualified. From baseball managing to law, minorities, usually blacks, are said to not be qualified.

In the field of legal education, the argument against affirmative action, (this argument is essentially an attack on integration) is as follows: "the

disadvantaged minority lacks the skills and qualifications, as evidenced by grades and test scores, to have a legal education." The weakness of this argument is apparent when one realizes that legal training is an advantage that is caused by another advantage. This advantage is unearned. It is the advantage of being born white and middle class in America. This class and racial advantage leads to the advantage of an education proper for a society where white middle class values predominate. In another culture/society that education would be improper.

The new racist's argument when stripped of its first layer of clothing appears thus: "the disadvantaged minority lacks the advantages to have advantages." When stripped completely bare the argument is: "the minority student lacks the advantage of being white; therefore he or she should not have the advantage of a legal education." When seen thus bared and stripped of specious reasoning and spurious concern for the legal profession, those who attach affirmative action may as well wear robes and hoods. It would be honest at least.

Affirmative action is a positive step toward the physical integration of people. It is hoped that through physical integration people will share opportunities, ideas, and experiences. Thus, there is a deeper integration inherent within the aims of affirmative action. The racist intends to thwart this integration. Her or his reasons for doing so are legion yet I

think his or her salient reason is fear—the fear of the increased competition minority participation brings. The fear that he or she will have to compete with more people over what he or she perceives as limited resources: education, housing, food, well being.

The racist is aided in his attacks on affirmative action; however I think the aid is largely given unwittingly. I have a white friend with whom I share a tenuous friendship. We both were English majors in college, and although I have read Faulkner, Mailer, Hemingway, and Whitman, he knows nothing of Wright, Ellison, or Hughes. Our relationship is tenuous because he has never listened to any voice but his own.

When I don't use white-speak, he becomes angry with me. However, many times he questions my usage of the language. We rush to a dictionary at such times. It vexes him when I am right. When he is right I don't like it much either. To me he acts smug: he acts as if he were a British colonizer enlightening a savage. Yet, when I correct him, he may feel I too act condescending.

In general he believes I affect an air of understanding a lot about him and his culture/language being only one component of that culture. The truth is there is no air. I must understand him and his culture to gain greater economic and educational opportunities. Also, for sanity's sake I must understand my culture and its relationship to his.

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Honi Soit Qui Mal y Pense!

By GERALD TOMASSIAN
Copy Editor

With all that has come to pass in recent weeks, I would imagine that more than a few members of the Class of 1989 may have begun to question their choice of law schools. Student concern over having their degrees "cheapened" by the current scandal was highlighted by the Examiner's April 28 story entitled "Hastings students demand probe of campus spending."

Before any of us engage in any worthless second-guessing, we should remember some important factors that weighed heavily in our choice in the first place. Hastings is the oldest law school west of the Mississippi having been founded one hundred years ago. Since its establishment, Hastings has graduated over ten thousand students, while always maintaining a reputation for excellence. All great academic institutions have weathered the storm of scandal at one time or another and Hastings will be no different. Even-

tually those responsible for any malfeasance will be brought to justice and life at Hastings will return to normal.

Consider just what the real source of Hastings' distinguished reputation is; our students and renowned faculty. We have some of the most respected legal scholars and practitioners in the Country on our faculty. Our student body is diverse, motivated, and academically strong. While various members of the Board, past and present, may have brought shame and disdain upon themselves, they will not tarnish the good name of Hastings.

On a more personal note, I would first like to make a few suggestions to those in the first and second-year classes who might be making the same mistake I did my first two years. Students should take a greater interest in their school and any appealing extracurricular activities. This last year at Hastings has been the most interesting and fun for me. By becoming more involved in cam-

pus activities, I have had the benefit of meeting a variety of interesting and talented individuals. I know how easy it is to say that there is too much work in law school and little time for such activities. While a legal education is why most of us are here, there is something to be said for the broader education experience available at Hastings.

Secondly, I would like to explain to those of you who have been wondering what the hell "Honi Soit Qui Mal y Pense!" means. Unlike some of the other Latin phrases that have appeared in the Law News, this one is not profane. It roughly translates to "I mean no harm, but shame on he who thinks ill of this." I hope all those who were subjects in this column viewed it in the same spirit.

Finally, I must express some sense of gratitude to my fellow classmates for all that they have given me. They helped me laugh when I needed to, enlightened me when I was mistaken, and most importantly, helped me survive this arduous experience we call "Law School." ■

Dissenting Opinion

By PAT EVARSON
Columnist

The Law News is on a crusade to oust Hastings' Chairman of the Board, Harold Dobbs. This is one of those rare occasions when I agree with the Law News. Unfortunately, in order to pursue this goal, the Law News editorial board has editorialized to the exclusion of objective reporting.

For example, they knew that the Board of Directors based its action against Prunty on a recent audit, and not the 1979 diversion of restricted funds. However, in the last issue and a special edition, they failed to report the audit, which was performed by the accounting firm Peat, Morwick, and Main. When I submitted an article which disclosed the audit and

some of its findings revealed to me by confidential sources (findings which have since been published by the Chronicle and the Recorder), the editorial board refused to publish my column.

I think I know what the Law News' theory is. They think the Board of Directors approved the misuse or restricted scholarship funds in 1979, and managed to cover their role in the misuse by using the school's Dean as a scapegoat. Now that the Board's role in the 1979 misuse is again being scrutinized, the Board is attempting to show that organizational defects allow the position of Dean unfettered discretion in running the financial operations of this school, thus creating the 1979 fiasco. To this end the Board of Directors ordered an audit, as the

editorial board would argue, to manufacture current abuses by the Dean solely to support and protect Board members Dobbs and Jamison in their bid to retain power.

Several people have approached me expressing an interest in writing a column similar to this one for next year's Law News. I have a few suggestions for those who are interested in such an undertaking.

First, I would suggest you write your own headlines. Common journalistic practice is that columnists do not write their own headlines. However, in my experience with this paper the editorial board has in most issues used headlines at odds with the content of my column.

I would also suggest negotiating a

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HASTINGS LAW NEWS

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Editor-in-chief

Christopher Palermo
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Gerald Tomassian
Copy Editor

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Unsigned editorials represent a consensus of opinion of the Editorial Board. The Editorial Board consists of the Editor-in-chief, the Managing Editor, and the Copy Editor.

Signed opinion articles represent the opinion of the individual writer only and not necessarily that of the Law News, the Editorial Board, or any staff member.

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*Mediocritas Insulas Solum Odiosissimam
Ceteri Flocci Ducimus*

FEATURES

Third Year Reflections

Mike Kanellos

I'm writing this on the fifth floor of the library in one of the formica carrels by the window that look like the desktop-luggage table combos from a Motel 6. No one in their right mind ever sat double in one of these. I peered into each carrel on my way down the row. You know me, just a thrillseeker. Now, I'm sitting around waiting for someone to come over and talk to me. Anyone. In the distance I hear the twaddle of the wheels of the library cart on the floor, oh, it's on the carpet now, and and the accordion man plays "Beer Barrel Polka". Here comes the cart again. I half expect Mike Dreyfus who pushes the cart to say "Beer, Wine, and Mixed Drinks are \$1.50" and hand me some peanuts.

When I contemplate the past three years, I'm absolutely floored by how much time we spent just hanging out. Outside on the beach the 12:30 parade marches by in full glory. A group of guys eat PLO sandwiches and leer at every woman that traipses by. Five second year women converse on the steps as nonchalantly as anyone can when trying to attract attention. One of them goes to the stuffed garbage can. It's a vain attempt, because the person she was trying to spy on just stepped inside. Paul Soenksen crosses the Hyde and gives the universal "Hey Dude" signal. Tension fills the air. You can see it in everyone's face. In three hours we're gonna sacrifice another ceremonial keg to the gods!

I'll miss this place. Hastings was not what I expected. I expected to go to Boalt, actually, and dreaded the idea of attending a second-tier law school.

But when I think about, I'm glad I lacked the credentials. What Boalt students have that we don't? They have pass-fail grading, cushy summer jobs, fine offers of employment, and the promise of a golden future. Ok, I'll give 'em that one.

But look what they don't have. They missed the struggle! We had to compete for grades only to discover the grading system is insane. We had to grapple with ludicrous moot court projects for 7 months and turn in briefs that made absolutely no sense. All this crap made for a rather jolly time.

Academic pressure, though, is not the trademark of a Hastings education; it's the melting pot effect. I, for instance, had only met one gay and one lesbian before I arrived here. Someone told me Hastings had a

substantial gay population, so I expected to see all sorts of fey gentleman and/or women in leisure suits listening to Janis Ian records.

What a bumpkin I was! Soon, I had several freinds of other orientations and thought nothing of it. My prejudicial stereotypes disappeared pronto. This place had all types. I met a guy who sailed the seven seas with the merchant marines before coming to law school, a communist psychologist from Harvard who was older than his Torts professor, moonie-like L.A. devotees, ex-accountants escaping from hell, Vietnamese refugees, Arab sandwich salesman who spoke like the Hamburglar, winos, surf kooks, several people whose first words as a child were, "Yes, but I disagree," drunks, drug addicts, workaholics, whippet freaks, SIC fiends, and a comedian around every corner. I even had an identity. I still live off my parents, which, I discovered, made me rather odd indeed.

The place reminded me quite a bit of my seventh grade homeroom. Everyone's favorite pastime is talking behind each other's back. Who cares if it's true as long as it's funny. You just past through your professional puberty. Congratulations. Now, get to work. Unlike seventh grade, though, we could drink. We certainly pounded many cocktails. What else can you do in an urban environment but meet in a seedy bar and soak in the local beverages. In fact I don't recall that there was one event that didn't include kegs.

Academically, I didn't learn much. I know that you can break a contract if you can afford to, that judges tailor the results, and that you can only tolerate someone else's stupid opinions for so long. The professors, a fine lot, are not to blame. This is what, I suspect, they wanted us to learn.

The place is changing, though. Dobbs is trying to run this place like a pirate ship while Prunty has vowed to stick a barbeque fork in Dobbs' head if he tries to remove the office furniture. They're going to make people take three years of legal writing. Hopefully, those who we now leave behind will follow the example set by the class of 1987 and act like varmints. Real critters who will stagger around the tenderloin, wash their food, and play with chew toys.

I know, I know, such genius. I must be off. Here's to us. I gotta run off to the White House, the local palace of debauchery, pound a few, so I will be a total nuisance at the beer bash. We've seen the mistakes of the past, and now let's go make some of our own.

Stu Peacock

The opportunity to write for David Daniels' farewell issue of the Law News was offered to me as a chance to redeem myself. I accepted, but not because redemption is called for and not so that I could take cheap shots at the Law News staff. Instead, I saw this as the opportunity to have a piece of my own writing printed in the Law News with my consent and permission for the first time.

I was asked to write about "My Three Years at Hastings," a topic sophomoric enough that even Dave Daniels rolled his eyes when his far-right hand man Gerald Tomassian assigned it to me. While I think Tomassian wanted me to write a whining column about all the things I hated about my three year stint at Hastings, I would rather write about the good. After all, cynicism is to serious reflection as sarcasm is to wit—the lowest form.

At first glance, it doesn't appear that there are a lot of good things to say about Hastings other than the obvious fact that when it is all over you end up being a lawyer. Indeed, I would hate to think where I would be now if I had gone straight into the job market armed only with a bachelor's degree in economics. Could it be that I would have been like one of the bums that I have opportunistically escorted off the beach? One of the best parts about Hastings has to

be what it has done for me in the terms of employment, and I can write that with a straight face as I look forward to an associate position doing Arabian horse transactions and litigation here in downtown San Francisco.

Somewhat related to career preparation, but more on a personal level, one of the best things Hastings has done for me is to destroy my previously held belief that hard work and perseverance were for martyrs, masochists and outright suckers. Too often I had seen crime pay, hard work unrewarded, and love unrequited. But after three years at Hastings and several lapses into my errant philosophy, my faith in virtue and hard work have been restored. For the few of you who really know me, I think you will agree that was a good thing for Hastings to do for me. (In at least this respect, redemption was called for and has been achieved.)

Before closing, and at the risk of sounding sappy, I have just one more thing to say. Since misery loves company, no doubt that which I will

miss the most upon graduation are the Hastings people, staff and students alike, who have all been party to these past three years. And yes, that even includes you David Daniels, Redeemed? ■

Steve Elie

This is one third year student's view of life during the last three years here at Hastings. I hope you find it entertaining, serious and thought-provoking.

We arrived here in the fall of 1984—actually it was in the summer but it was called the fall semester. We were right in the heat of a national election and nowhere was the debate more heated than at Hastings.

We found out about Brian Dailey and what happens to naughty little boys. Of course there was Mrs. Palsgraf, a woman who should have known better than to take the Long Island Railroad. We learned that

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Law News Salute

Hurd Keeps Athletics Fit; Bell Devotes Talents to ASH

By GERALD TOMASSIAN
Copy Editor

There are always a few students who contribute a great deal to their peers but receive little recognition for their efforts. One such person is Marc Hurd, a member of the third-year class.

As an ASH representative, Marc has been very active and rarely misses a meeting. He is also on the Faculty/Students Committee on Committees, which selects individuals to represent the student body on various joint committees. ASH President Steve Elie, describes Marc as enthusiastic and an active participant in ASH meetings. Other ASH members repeatedly cited Marc's willingness to work and desire to help when needed.

Early this semester, ASH's Director of Arts and Recreation resigned unexpectedly. Marc was asked to temporarily assume leadership, which he did until a new Director could be selected. It is this eagerness to do what is necessary for the benefit of all concerned, regardless of the cost to himself, that makes Marc Hurd a special individual.

As Softball Commissioner, Marc

successfully organized and managed the Hastings Softball League. This was one of the few times in recent memory where students had an opportunity to play softball in an intramural league. The necessary equipment and diamonds were always available including the "Red Man" when needed in a pinch. For those



Council Member Mark Hurd

students and faculty members who participated, softball was a pleasant and healthy alternative for our Saturdays.

As President and former Social Chairman of Phi Delta Phi, Marc has been a catalyst in bringing students from all three classes together through various social events. Marc along with the help of the "White

House," The Twinky Defense, and others, has helped the student body become more unified. As a member of the Third Year Class Council, Marc was also involved in organizing the highly acclaimed Third Year Party at Club DV8. Marc recently participated in Law Revue for the second consecutive year and is also a member of various law-related organizations on campus.

It is rare to find a person willing to devote so much of their time and effort to others while expecting very little in return. Marc Hurd has contributed a great deal towards creating a more pleasant environment in which to study law. Marc deserves our thanks and utmost respect.

Another student who has contributed much to her class is Ellen Bell. As a first year student, Ellen represented her section as a member of the ASH Council. She also led a fund-raising effort to benefit the victims of famine in Ethiopia. Nearly \$1,000 was raised.

In her second year, Ellen became a member of the Clara Foltz Women's Union and was active in the National Jewish Law Students Network,

where she served on the Board. Ellen continued her involvement in ASH, having been elected Director of Arts and Recreation.

At the end of her second year, Ellen was elected to serve as the student liaison to the Criminal Justice Section of the American Bar Association. She is currently the only student liaison to an ABA section from the ABA circuit (the 14th) in which Hastings is located. Of all her many accomplishments and activities, it is her involvement with the ABA in which she takes the most pride.

Ellen served this year as Co-chairperson of the Third-year Class Council and was designated by ASH as the Third Year Class President. As such, she was entitled to a voting seat on the ASH Council. Ellen did not regard her seat on ASH as an honorary position, but instead, in the words of ASH President Steve Elie, was "always willing to pitch in and help out" with ASH activities.

At the recent dinner marking the end of the year for ASH, Ellen was given a certificate for her "dedicated



Ellen Bell has held ASH office for three years and made many valuable contributions to her class.

service to ASH" and received a standing ovation from the ASH Council.

Even with the approach of Final Exams, Ellen has not stopped serving the Hastings student body. Ellen took it upon herself to organize the elections for next year's Third Year Class Council. Mike Pappas, a fellow member of the Third Year Council, stated that "nobody works harder or has done more for students than Ellen Bell."

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Wynton Marsalis: Young, Arrogant

By DINO VELEZ
Staff Writer

Wynton Marsalis is the greatest trumpet player in the world. Just ask him... or anyone else for that matter. Just 25, he's won 2 Grammys in both Classical and Jazz music forms. He has also become the self-appointed prophet of "pure" music. His arrogance has alienated lovers of musical exchange, and has been applauded by those who hold purity in art in the highest regard.

Personally, I think Wynton is full of himself. And why shouldn't he be? After attending the Juilliard School and completing an apprenticeship with Art Blakey's Jazz Messengers, Marsalis was thrust forward as "the next Miles Davis"—the savior of real jazz. One problem, however, that stems from the worship heaped upon Marsalis is that he cannot have the relationship with other young jazz artists that's necessary to result in truly great jazz. Jazz grows out of interplay and exchange with each member contributing his ideas and pushing the other members to expand their ideas while remaining within the group's framework. Wynton can't benefit from an even exchange because he holds himself above all others.

Yet, some of Marsalis' problems arise because he's constantly compared to Miles Davis. Almost any musician would pale in comparison with Miles, and I think it's unfair to put Marsalis up against the 40 years of work that Miles Davis has done. Unfortunately, it's common for the masses to compare great black artists

against other black artists. For instance, people constantly compare Eddie Murphy with Richard Pryor. Why don't people compare Murphy with Robin Williams? In the same manner, why don't people compare Marsalis with Chuck Mangione or Maynard Ferguson?

The answer is that our society places great black artists in competition with each other in a narrow range of activity in order to keep down the number of blacks who "make it." In baseball, for instance, talented blacks are steered away from the catching position into the outfield. Thus, blacks are limited to certain positions and fewer spots are available on the roster for blacks. Eventually, some will become stars, while the majority drop by the wayside.

I want to see Wynton Marsalis work with other young jazz musicians and let them use his famous name to become famous themselves, and allow Wynton to have true jazz dialogues. If he could work with talented artists like pianist Mulgrew Miller, saxophonist Robert Watson, or guitarist Kevin Eubanks, he'd be able to create wonderful new sounds with their ideas and his own flawless technique.

In sum, I believe Marsalis should allow himself to open the doors of communication and exchange, and help enrich the entire jazz community. Instead, I'm afraid that by allowing himself to be the "savior" he's really shutting the doors of progress on jazz and unwittingly promoting racism.

==== The Year in Pictures =====



Letters to the Editor

To The Editor:

Most consider the death penalty an issue over which reasonable people might disagree.

However, the Hastings chapter of Amnesty International (AI) holds no such view—or so it appears from their latest public forum on the issue. That event, held last week in the new commons, consisted of 3 speakers, all uniformly *opposed* to the death penalty.

Now, I do not question the propriety of AI's anti-death penalty endorsement. Nor do I doubt their right to seek the implementation of their view as public policy. Such are the privileges to be enjoyed under our democratic system.

However, I do resent their failure to present even nominal spokesmen for opposing points of view in the forum. Unlike South African apartheid or the torture of political prisoners in Chile, the death penalty issue admits of reasonably disparate moral conclusions. Here AI has no

corner on the moral market.

The notion that truth is best revealed through the clash of opposing argument is a premise underpinning our legal system. But the one-sided character of AI's forum is an implicit rejection of this premise. Does AI doubt its position could withstand this sort of critical analysis?

The Hastings community would have been well served by a presentation of *both* points of view on the death penalty. In this way the students' capacities for individual judgment on the issue would be best respected, and a healthy student dialogue on the death penalty might have ensued.

Unfortunately, an enabling element of *pluralism* was absent from the forum, without which an issue cannot be fairly "tried."

What we got instead was a generous serving of politically provincial grandstanding.

Fletcher Alford

To The Editor:

The partial student fee refund that occurred during March was not due completely to the fact that the Governor funded the student fee increase as reported in the unsigned letter sent out by the Director of Administrative Services. The refund was made because Hastings did not follow the statutory fee policy enacted into law in 1985 and that the appropriation for the law school made in the 1986 Budget Act was the maintain fees this year, at last year's levels.

It seems odd to me that no one in the law school could accurately read the Chapter 1523 fee policy and the 1986 Budget Act which was approved some 9 months ago to figure out what the school's allocation from the State of California was. The California Legislative Analyst's report on the 1987 Budget Act is very kind when it says "[b]ecause these fee levels are contrary to state law . . . [they] appear to be technical errors."

Also noteworthy in the Legislative Analyst's report for this year's budget hearings is that they recommend that Hastings' faculty be cut back. They recommend eliminating one full-time position and anywhere from 2 to 6 part-time instructors (the equivalent of 2 full-time instructors). The proposed deadline is November 1, 1987 for Hastings to submit a plan to reduce its faculty for the 1989-90 school year. In light of the recent student petition circulated by the Environmental Law Society to get a Water Law class and other environmental law course offerings, students should support the Hastings administration's position of keeping all of the part-time teaching positions despite the proposed reduction in the student population by 20%.

Both the Legislative Analyst's report and Hastings' administration concur that the school population should be cut back. By the 1989-90 school year the student population will have been reduced to 1,200 from 1,500. The reasons cited for the

decline are that there is a continuing decline in the national and local applicant pools for admission to law schools, accompanied by a decline in the average test scores and grade point averages of applicants. The report also says that the reduction in the number of new law students will not adversely affect the supply of lawyers because in 1983 it was estimated that there was one lawyer for every 299 people in California. For those afraid of a possible decline in salaries for lawyers don't worry the supply is beginning to be reduced. For those who fear a reduction in the ethnic diversity of lawyers beware.

The Legislative Analyst's report also required that Hastings discuss the Auditor General report on the college's mismanagement of its real property. This shows that the Hastings Administration is at least accountable to the California legislature for its actions when requesting funds for next year.

Craig S. Bloom
Second Year Student

Diamond, Weiner, Knowles to Speak at Commencement

Continued from page 3

being voted in as faculty commencement speaker. Diamond, who currently teaches Torts, Criminal Law and the Broadcasting and Cable Seminar, said he felt especially honored because, "You know I am so fond of your [third year] class. I feel privileged to be involved in your education." He also expressed hope that graduating students, wherever they may settle, will keep in contact with him.

It is no secret that Diamond is well-liked. After all, he is one of the most, if not *the* most, energetic (will we ever forget his wild gesturing?), devoted and inspiring professors at Hastings. Perhaps the one thing that really sets him apart is his enthusiasm for his job.

"I love teaching. I've always wanted to teach, even before going to law school," confessed Diamond. "I think Hastings is an incredibly wonderful institution because of its students and faculty."

Diamond's delight in working

with students, however, goes far beyond the classroom. For example, he serves as advisor to both COMM/ENT and ACSEL, as well as plays in faculty/student sporting events. He is captain of the faculty softball team. And who could forget his flawless performance in the Law Revue?

Next year, Diamond hopes to promote further collegiality and interaction between students and faculty when he begins a two-year term as Associate Academic Dean, replacing Professor Dan Lathrop who will become Academic Dean. While he is very excited about starting his new position, Diamond regrets that he will be unable to teach Torts during that time.

"I'll miss it a lot. I'm sad about not getting to know a new section as well," Diamond said.

Diamond began his teaching career at Hastings in 1980, receiving tenure last year. Prior to joining the faculty, Diamond clerked for a federal district court judge in New York

and subsequently became an associate in the litigation department of New York's Cravath, Swaine & Moore.

Although he has not yet planned his commencement speech, Diamond promised, "I'll do the very best job I can to add to what I hope will be a joyous occasion and a truly major accomplishment for all of the graduating students."

Knowles is top academician

As valedictorian of the Class of 1987, Jeffrey Knowles will also be speaking at the commencement ceremonies. Knowles is ranked first, after five semesters, in his class of approximately 495 classmates. Predictably, Knowles was pleased when he discovered his prestigious position.

"It was really gratifying, a great feeling to find out I was first. When I started law school, I was determined to be in the top 10%; this is just icing on the cake."

Knowles graduated from UCLA in 1984 with a Bachelor's Degree in

Political Science. While at Hastings, Knowles has been a member of the Hastings Law Journal, serving this year as an Articles Editor. Last month, the Journal published his Note on legislative and executive power in the state government.

Knowles has been a Dean's Discussion Group Leader for Torts. Most importantly, however, besides his obvious flair for academics, Knowles is down-to-earth, truly nice guy.

When asked to reflect on his three years at Hastings, Knowles hesitantly admitted, "I'm weird—I actually liked law school and the law." However, Knowles shares the confusion and concern of many classmates regarding the frequent discord in student/administration relations.

"I don't understand the antagonism between the administration and the students. It's like a big wall."

Although Knowles enjoyed his experience at Hastings, he, as well as other students, feels that the school could be doing more to encourage



Professor John Diamond will address students at Commencement, representing the faculty.

better student education.

"I think Hastings can be a really good law school. I think it's sad, though, that Hastings has as many problems as it does. The students are very capable, but somehow the school doesn't motivate them. There's potential that's not fulfilled."

A NOT SO FOND FAREWELL

Continued from page 6

my tenure as Editor-in-Chief of the Law News. Having had the opportunity to annoy a generous cross-section of the Hastings Community has given me great pleasure; but, to be as honest (and as saccharin) as possible, I have received the greatest pleasure from those occasions in which I was able to serve the interests of my fellow students.

I would be remiss if I failed to mention the long-suffering dedication of the Law News staff. The writ-

ters, editors and photographers this year were responsible, despite my heavy-handed and clumsy management, for producing a creditable and credible newspaper. The other members of the Editorial Board, Mr. Tomassian and Mr. Palermo, both deserve my appreciation for the many long hours they put in on tasks that were often thankless and always uncompensated. I also thank Mr. Melton; although I fired him repeatedly throughout the year, he was a contributor whose work should not go completely unnoticed. ■

Dissenting

Continued from page 7

commitment from editorial board members not to comment on another writer's column until after it has been published. Although this seems patently fair to me, I have learned that you cannot take anything for granted with these guys.

Finally, I would suggest that you find someone to act as copy editor who has good judgment and excellent editing skills. Most important, your copy editor should not be connected with Hastings, in order to give you objective feedback.

Frankly, it seems to me that the editorial board has regretted its decision to invite someone with opposing views to write a column. They want the credence that comes with

presenting both sides, but when it comes down to the black and white reality of print, they cannot handle it.

* * *

Before I go, I want to recognize Maddie Torre, the cashier in our cafeteria for 17 years. At age 66, Maddie, along with most other employees of the cafeteria's food service, has had her hours cut by 20%. (They were notified of the cutback on the day before Spring Break.) This is hard on her as well as the other employees, many of whom have families to support.

In the last three years, I have come to look forward to seeing Maddie each day. Sometimes the only reason I go to the cafeteria is to see her and

John, the other cashier. The food certainly does not draw me there.

I realize the food service is an operation independent of Hastings and I have been told there is nothing students can do to change this situation. It is hard to accept, though, that someone can give such a large part of their life to serving Hastings students and then be forced to scrimp to get by without Hastings being able to do something about it.

Some of the cafeteria workers will be gone next August when students return because they cannot make it on the reduced pay. It is not much, but we thank you for the labor you have put in. We will miss you. ■

Charges Against Dean Referred to District Attorney by Board

Continued from page 1

Jovanovich. According to Kane, the money may have been intended for the school's general fund.

Prunty's responses to the allegations were not included in Kane's report.

Many of the charges against Prunty involve money donated to the College by Professor Peter Maier. Kane told the Board that "some evidence exists" that the "donor" of the funds allegedly misused by the Dean intended the money to be used according to the Dean's discretion. Kane did not say why Maier, who still teaches at Hastings, was not asked about his intention with regard to the funds.

Maier could not be reached for comment, but other faculty members told the Law News that Board Chairman Harold Dobbs threatened to take action to revoke Maier's tenure if he testified on behalf of Prunty.

Maier refused to comment, but other faculty members told the Law News that Board Chairman Harold Dobbs threatened to take action to revoke Maier's tenure if he testified on behalf of Prunty.

Reading from a prepared statement, Board Member Kneeland Lobner defended the Board's action

against Prunty. Lobner said that "to retain the Dean would be to condone fiscal irresponsibility." Lobner also criticized press reports which he said had unfairly characterized the Board's attack on Prunty as an attempt by Board Chairman Harold Dobbs and General Counsel Max Jamison to cover up their own wrong-doing in connection with the purchase of the West Block properties.

Prunty was not present at the meeting, but his attorney, Jeffrey Shopoff, told the Law News that the absence of the four Board members who support Prunty made the meeting "nothing more than an orchestrated sideshow." Shopoff stated that Prunty was "delighted to have the D.A. review all of his accounts," and that he believed that "an independent investigation by professional and unbiased people will vindicate him."

Shopoff also said that, despite his request, "there has been no specification of which items [in Kane's report] the Board feels are improper." Because of the lack of specification, Shopoff believes that the "total amount reported [220,000] and the list recited is designed to exaggerate the amount involved."

the beach and do constructive things—**DRINK and GET A TAN!!!!**

Enough of my reminiscing—what's really important is that we've gotten a damn good education. For some it's a great way to make good money in the future; for others their law degree will be used in their lifetime careers of helping those less fortunate than themselves. But what about the rest?

If there's one thing I hope we've all learned it's that the law can be very powerful. It can be used to help and to harm. What's the point? The point is we should use the knowledge we've obtained here at Hastings to do something useful in the world—something good. Now, you might think, there goes Elie on his soapbox telling us to do pro bono or public interest work because it is good for society and we owe society some kind of debt.

No, that's not it. Do it because it's good for you. By helping the underprivileged and other assorted underrepresented people you will feel better about yourself and what you have accomplished.

Finally, on a more personal note, I'd like to thank all the people who've made my time here at Hastings enjoyable. I'd like to thank all those who were supportive of my efforts as ASH President this past year. I hope I justified your confidence in me. One more thing—Third Year Class of '87—We're Outta Here!

Board Declines Proposal

Continued from page 1

sell the properties if necessary to repay the \$4 million owed to the scholarship accounts.

Abascal insisted that any repayment of the scholarship funds be preceded by an "inventory" of all funds currently available to the College. Abascal specifically requested garnishment of \$27,000 paid annually for rent on Dean Prunty's home.

Rent paid by General Counsel

Max Jamison is also subsidized by the College, and the apartment next to Jamison's has been kept vacant at Jamison's request, which costs the College approximately \$20,000 annually in lost rent revenue. However, Abascal did not say whether Jamison's rent subsidy should also be garnished.

Earlier in the day, several hundred students gathered on the Beach to protest recent actions by the Board and demand an independent inquiry into the diversion of

scholarship funds and the allegations against Prunty. At the rally, petitions calling for such an inquiry signed by nearly 800 students were presented to Professor Sam Thurman, Chairman of the Faculty Executive Committee.

ASH President Steve Elie spoke to the Board at the close of its meeting. Elie did not present the demands contained in the petition, but stated that students were "concerned" over the controversy.

McCall Now 2-0 Before Supreme Court

Continued from page 3

things." This self-confidence stems from vast experience of orally arguing before major appellate courts such as the California Supreme Court and the Ninth Circuit, not to mention his one prior encounter with the United States Supreme Court.

The only concern of McCall, which proved to be unfounded, was that the Court would "ask technical labor law questions concerning things in which it had developed an independent interest and which had not been addressed in the briefs." More precisely, he was worried about questions relating to the Federal Labor Management Relations Act and other basic labor law stat-

utes, of which he knew very little. Instead, the questions stayed within the parameters of the defined issue and related to the policy concerns involved in the controversy.

Virtually every Justice, noted McCall, asked questions, except for Justices Blackmun and Brennan.

"Justice Marshall asked a joke," laughed McCall, as if remembering a jovial moment during an otherwise sober proceeding. In surmising the abilities of the Court's newest member, Justice Scalia, McCall noted that "he addressed excellent questions to both sides." As an aside, McCall continued by noting that oral argument before the Court is still important and may change the

final decision in a case, and is not merely a formality.

McCall's plans for this coming summer include writing an article and the first draft of a book. The article will be on "the limits of judicial discretion in deciding a case and the problem of result-oriented decisions." His book will be a biography of Justice Traynor. The book has been in the works for many years. When completed, it will be approximately 350 pages in length. McCall described its primary focus as being "Justice Traynor's contributions to jurisprudence and his thoughts on the proper role and function of judges."

"I, Too, Sing America"

Continued from page 7

Does my white counterpart have a similar incentive to know me culturally and thereby gain a better personal understanding of me? He would answer no. With this attitude he aids the racist.

Recently he asked whether I was going to the third year class party. I answered no. When pressed with, "Why not?" I answered, "No soul music." I hate unilateral arguments. He flipped me off, and off he stormed. I have not heard from him in weeks.

I do not think at any time during our tenuous friendship my grabbing this friend, throwing him to the ground, and placing my foot on his throat would force him to learn more about me. Violence has a long

term questionable efficacy, and probably would destroy an already tenuous relationship. Moreover, if I became violent, again a minority would be forcing a white to change his perception. The white's role would be too passive. Hence any change gained would be in reaction to the violence and superficial.

Yet, like white society, I believe my friend will be forced to listen. The problems that face all human kind will force not only greater physical integration but also the deeper integration of ideas and experience. I wonder, how long ago would various cancers have been cured but for the exclusion of minorities from the medical profession.

I believe I have a duty to insist that my friend listen to my voice as that

of a Black person. I would demand the same of a white employer. It does my friend no good, it does society no good, for me to be a Black person with a white voice. I too, sing America.

As a Black person I perceive much that is wrong with America. As a Black man I perceive in a way few whites can. What is the real message I convey to whites when I don't use my own voice? I also aid racism. I tell the oppressor that his ways are acceptable. So acceptable that I can completely adopt his culture. Racism is the belief that race divides human kind into unequal parts: that one race is inherently superior to another. Uncritical assimilation is the highest form of compliment.

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